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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 LAMARR ROWELL,

10 *Plaintiff,*

11 vs.

12 JAMES G. COX,

13 *Defendant.*
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3:12-cv-00431-LRH-VPC

ORDER

15 This prisoner civil rights action comes before the Court for initial review following upon
16 plaintiff's filing of an application to proceed *in forma pauperis* with a handwritten complaint.

17 On initial review, under Local Rule LSR 2-1, plaintiff must file the complaint on the Court's
18 required civil rights complaint form. The fact that plaintiff is seeking declaratory relief on his civil
19 rights claims against the director of the state corrections department does not make his pleading
20 something other than a civil rights complaint. Styling a civil rights complaint instead as a "petition for
21 a declaratory judgment" does not eliminate or avoid the requirement that plaintiff must use the required
22 civil rights complaint form.

23 It does not appear from a review of the allegations that a dismissal without prejudice of this
24 improperly-commenced action will result in a promptly-filed new action being untimely.

25 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice to the
26 filing of a new complaint on the required civil rights complaint form in a new action under a new docket
27 number with either payment of the filing fee or a properly completed pauper application, with new
28 financial attachments.

1 IT FURTHER IS ORDERED that all pending motions are DENIED as moot.

2 The Clerk of Court shall send plaintiff two copies each of a civil rights complaint form and a
3 pauper application form, along with one copy of the instructions for each form and of the papers
4 submitted in this action.

5 The Clerk shall enter final judgment accordingly, dismissing this action without prejudice.

6 DATED this 16th day of October, 2012.

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10 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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